



TORNEY DOCKET NO. 33677-00000

PATENT

#24  
JM  
7/12/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Gary Borodic )  
Serial No. : 09/382,837 )  
Filed : August 25, 1999 )  
For : Chemodenervating )  
Pharmaceutical As )  
Anti-Inflammatory Agent )  
Examiner : G.R. Ewoldt, Ph. D. )

Art Unit: 1644

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**TECH CENTER 1600/2900**

**PETITION PURSUANT TO 37 C.F.R. § 1.84**  
**FOR ACCEPTANCE OF COLOR PHOTOGRAPHS**

**VIA FACSIMILE**

**(703) 305-3014**

**ATTN: G.R. Ewoldt, Ph.D.**

**2 PAGES TOTAL**

Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

This paper is a petition for acceptance of color photographs pursuant to 37 C.F.R. § 1.84 and M.P.E.P. § 608.02. The Draftsperson has objected to Figs. 1-3B, and 6-8B of the above-referenced application on the grounds that those figures are in color. The three required sets of color photographs are being submitted in the Submission of Formal Drawings mailed April 24, 2003.

The photographs objected to depict the responses of human beings and experimental animals to a treatment for inflammation. The color photographs show the redness of inflamed skin or mucous membranes, as well as the absence of redness induced as a consequence of the use of the claimed invention. Since one of the hallmarks of inflammation is redness and swelling of the tissue, applicant considers these color photographs to be necessary for a proper disclosure of the invention described and claimed in the above-referenced patent application.

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### Proposed Amendment to the Specification

If this petition is granted, applicant hereby requests that the specification be amended to add the following paragraph immediately after the heading "Detailed Description of the Drawings":

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

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Applicant respectfully submits that the color photographs are necessary for a proper appreciation of the invention as disclosed and claimed, and requests favorable and expeditious action on this petition. The Commissioner is hereby authorized to charge the petition fee of \$130 set forth in 37 C.F.R. § 1.17(i) to Deposit Account Number 13-3250, Order Number 33677-00000. Applicant believes that no other fees are required for this paper. However, any extension of time or other fees which may be required for this paper are hereby authorized to be charged to Deposit Account Number 13-3250, Order No. 33677-00000.

April 24, 2003

#### CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 308-5083 on April 24, 2003.

Signature

Claire A. Gilmartin

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY LLP

By:   
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**FACSIMILE TRANSMISSION**

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